

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ROBERT E. HELM,

Defendant.

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CASE NO. 8:10CR13

MEMORANDUM AND ORDER

This matter is before the Court on the Findings and Recommendation (Filing No. 18) issued by Magistrate Judge F.A. Gossett recommending denial of the Defendant's motion to suppress (Filing No. 11). No objections have been filed to the Findings and Recommendation as allowed by 28 U.S.C. § 636(b)(1)(C).

The Defendant, Robert E. Helm, seeks an order suppressing evidence obtained as a result of his September 26, 2009, search and arrest. Judge Gossett concluded: the initial encounter was consensual; Helm voluntarily consented to the search of his bags, in which suspected methamphetamine was found; and Helm's subsequent *Mirandized* statement was not the fruit of an illegal arrest.

Notwithstanding the absence of objections, under 28 U.S.C. § 636(b)(1)(C) the Court has conducted a de novo review of the record. The Court has read the parties' briefs and the transcript. Because Judge Gossett fully, carefully, and correctly applied the law to the facts, the Court adopts the Findings and Recommendation in their entirety.

IT IS ORDERED:

1. The Magistrate Judge's Findings and Recommendation (Filing No. 18) are adopted in their entirety; and

2. The Defendant's motion to suppress (Filing No. 11) is denied.

DATED this 17th day of May, 2010.

BY THE COURT:

S/Laurie Smith Camp
United States District Judge